

**LICENSING COMMITTEE**

<b>Application</b>	018-0159
<b><u>IN THE MATTER</u></b>	the Sale and Supply of Alcohol Act 2012
<b><u>AND</u></b> <b><u>IN THE MATTER</u></b>	of an application by Kio Kio School Board of Trustees for a special licence pursuant to section 138 of the Act

**DECISION OF THE DISTRICT LICENSING COMMITTEE**

1. The application for a special licence is granted. The special licence may issue immediately.
2. Kio Kio School Board of Trustees is authorised to sell and supply alcohol, on the premises situated at the Kio Kio Community Hall to any person attending the Kiwiana Winter Festival.
3. This licence is subject to the following conditions:
  - (a) A copy of this licence with all the conditions must be displayed in a prominent place so all persons can read it and all staff must be familiar with the conditions.
  - (b) Alcohol may be sold under the licence only on Saturday 15 June 2019 between the hours of 7.00pm and 12.00 midnight.
  - (c) Alcohol may be sold or supplied to people present participating in the event this licence is issued for.
  - (d) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the District Licensing Committee on 6 May 2019 and no alcohol is to be taken out of this area.
  - (e) The holder of a manager's certificate shall be on duty and on the premises at all times alcohol is sold.
  - (f) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be displayed at every point of sale appropriate signs detailing these restrictions.
  - (g) Drinking water must be freely available from the bar and this must be clear to customers while the premises is open for the sale and supply of alcohol.

- (h) Food must be available for consumption on the premises at all times the premises is open for the sale of alcohol in accordance with the menu submitted with the application for this licence, or variations of a similar range and standard.
- (i) A range of low-alcohol and non-alcoholic drinks must be available at all times when the premises is open for the sale of alcohol.
- (j) A telephone must be freely available for customers to call for transport and staff must assist if required. The availability of the courtesy van to transport patrons home from the premises shall be promoted.
- (k) The entire premises is designated as restricted area (no persons under 18 are permitted to attend).

## REASONS

1. This is an application by Kio Kio School Board of Trustees for a special licence for a Kiwiana Winter Festival fundraising function to be held on Saturday 15 June 2019, from 7.00pm to 12.00 midnight. The application was filed more than 20 working days prior to the event as required by section 137 of the Act.
2. The Liquor Licensing Inspector and Police have no objection to this application for a special licence (s 141). The Medical Officer of Health was initially opposed to the application, however the applicant has submitted supplementary information and the opposition has now been withdrawn. Accordingly, this application is decided on the papers (s 202).
3. The purpose of the Sale and Supply of Alcohol Act 2012 (the Act) is to put in place a new system of control over the sale and supply of alcohol (s 3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4).
4. In deciding whether to grant a special licence the District Licensing Committee must have regard to the criteria in s 142 of the Act. Therefore, this committee must consider the following questions within the framework of the purpose and object of the Act:
  - a) What is the nature of the event? Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
  - b) Is the applicant suitable?
  - c) Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of the licence?
  - d) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
  - e) Is the design and layout of the premises suitable? Are any areas of the premises designated restricted or supervised areas?
  - f) Does the applicant have appropriate systems, staff and training to comply with the law? What steps will the applicant take to ensure that alcohol is not sold to prohibited persons?
  - g) What proposals does the applicant have in relation to the sale and supply of non-alcoholic drinks and food, low-alcohol drinks and the provision of help with or information about alternative forms of transport from the premises?
  - h) Have the Inspector, Police and Medical Officer of Health raised any relevant considerations?
  - i) Does the application comply with the Otorohanga District Local Alcohol Policy?

5. The licensing committee may refuse a special licence even if there was no objection to the application (s 144). Sections 146 – 149 of the Act outline the compulsory and discretionary conditions for a special licence.

**Should a special licence be granted?**

6. The proposed Kiwiana Winter Festival is a fundraising function for Kio Kio School. A live band will be performing and a light meal will be provided. The event is for people over 18 and tickets can be purchased from the school. Any left over tickets will be available at the door until 8.30pm.
7. The licensing committee is satisfied that Kio Kio School Board of Trustees is a suitable applicant to hold a special licence because this is a responsible organisation that have organised a well-planned event. Four duty managers will be working at the event. A pre-event briefing will be given to committee members and all persons involved in the event, and will cover host responsibility, intoxication identification, ID checks and management of alcohol consumption. Drinks will initially be limited to four per person and this will reduce to two per person after 10.00pm. The bar will close at 11.30pm. Two free courtesy vans will be available throughout the night. Stirling Security will provide two security personnel who will be stationed at the entrance. ID will be required before a ticket can be purchased and also at the door, where a wrist band will be issued to people over 18 years of age. ID will be checked a third time at the bar.
8. The Licensing Inspector reports that the application does comply with the Otorohanga District Local Alcohol Policy.
9. The licensing committee is satisfied that suitable measures will be taken to ensure that alcohol is sold and supplied responsibly and that harm caused by inappropriate or excessive consumption of alcohol is minimised.
10. Given the nature of the event and the venue it is not likely that the issue of the special licence will adversely affect neighbouring properties. The entire premises is to be designated as an unsupervised area.
11. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will be provided.

**Conclusion**

12. The licensing committee is satisfied that the grant of the special licence with the appropriate conditions will ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol.
13. Therefore, the application for a special licence is granted.

Dated at this 29th day of May 2019



Sara Grayson  
Commissioner  
Otorohanga District Licensing Committee